

TITLE SEARCHES

The following are a list of steps to take when reading through a title search:

- 1) Read through the title search listing each distance and bearing in the order they occur in the title search as well as calls made in the deed - i.e. to the West line of Section 22. Also note any exceptions listed in the deed.
- 2) Locate property corners and lines by entering the information, from the title searches, into the applicable electronic files using angles of intersecting lines rather than the actual bearings listed in the title search.
- 3) Read through the title search and list all easements, including utility easements, and repeat steps 1 and 2 for each easement if applicable.
- 4) As you proceed with steps 1-3, address overlaps or gaps produced by conflicting title search information given for abutting properties.
- 5) Once all property lines are located, go through your title searches once again and label the property owners on the plat just as they are shown on the deed.

It is very common to find conflicting information from one title search to the next and the first step in resolving that conflict is to apply the ORDER OF PRECEDENCE OF CONFLICTING ELEMENTS. **Page 5-2** is a handout entitled ORDER OF PRECEDENCE. This outline is a compilation of information found in both *Boundary Control and Legal Principles* - third edition by Curtis M. Brown, Walter G. Robillard and Donald A. Wilson; and *The Surveying Handbook* edited by Russell C. Brinker and Roy Minnick. This outline provides an excellent starting place and guideline in resolving conflicting information, however you may discover that there are exceptions to the rules.

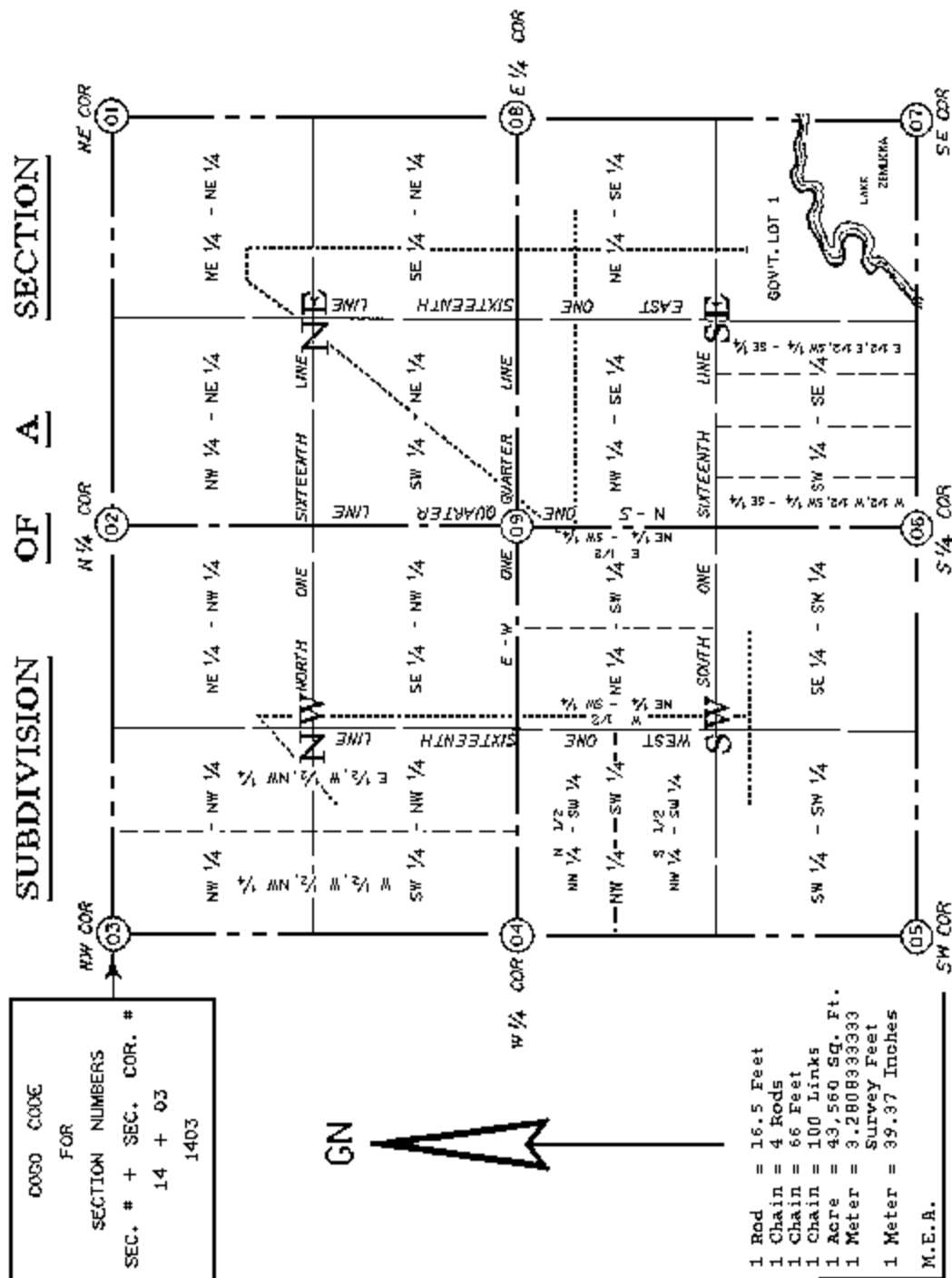
Page 5-3 is a handout that depicts the subdivision of a typical Section along with the formula District One uses to assign numbers to each of the monumented corners of the section. These numbers will then be used in the development of CAiCE files where property and easement lines are located using these corners and the information contained in the Title Searches.

Page 5-4 is a Title Search Request form for contracts being administered by District One Real Estate. District One designers should submit this request to Real Estate along with a map showing the limits of the request.

Page 5-5 thru 5-8 is a copy of District 1's Special Contract Provisions for Title Search Work Order.

ORDER OF PRECEDENCE

- I. **RIGHT OF POSSESSION** - An occupancy right that has ripened into a legal right extinguishes or becomes superior to all written title to the occupied land.
- II. **SENIOR RIGHT** - As between private parties in a land dispute, a senior right is superior to a junior right.
- III. **WRITTEN INTENTIONS OF THE PARTIES**
 - 1. Calls for monuments. These can be natural, such as lakes, streams, or trees. Physical monuments include any type of marker set by a surveyor or referenced objects that somehow coincide with the boundary.
 - 2. Secondary monuments. These are the same type objects but were not specifically called for. With reference to other maps or documents, they are found to be acceptable evidence for locating the parcel.
 - 3. Reference to a recorded boundary, such as a map, plat, or deed.
 - 4. Calls for ties, usually by bearing and distance, to other monuments or boundary lines of record, but not in direct relationship to the lines being described.
 - 5. Distances on the boundary.
 - 6. Bearings on the boundary. This can also include angular relationships between two lines.
 - 7. "Areas" when not used as the specific call. Descriptions that give an area at the conclusion are not controlled by the area but rather by the caption and body.



CORRESPONDENCE/MEMORANDUM

State of Wisconsin

Date: _____

To: Jeri A. Krugman
District 1 Real Estate

From: _____
District 1 Design

Subject: Title Search request for the following project:
I.D. _____

Please request title searches for the above project, including all easements of record, all applicable subdivision plats and all Certified Survey maps. I have attached an exhibit with the limits of the request highlighted. There are approximately ____ parcels estimated for this project. Please provide this information by _____ (estimate 2 days per parcel, minimum).

SPECIAL CONTRACT PROVISIONS FOR TITLE SEARCH WORK ORDER

The primary work to establish documentation of a clear chain of title will be performed by the awarded contractor. Each district will specify at order time which items below will be required to fulfill the title search.

ITEM 1 PRELIMINARY OWNERSHIP REPORT FOR HEARINGS

The CONTRACTOR will provide the DOT a copy of the following:

- a) Names and addresses of all present owners.
- b) Tax maps which include all properties involved in the project with corresponding Tax I.D. #'s. This data shall be compiled in sequential order in South to North and West to East direction within sections.

Rate of \$ _____ per parcel for an estimated ____ parcels; totaling \$ _____.
All items to be delivered to DOT on or before _____, 200_.

ITEM 2 TITLE REPORTS - (Including Last Deeds and All Easements)

The CONTRACTOR will provide the DOT _____ copy(s) of this report. All reports shall reference the Project Identification number and parcel number if provided by DOT. Reports shall be compiled in numerical sequential order by the DOT parcel number if provided or sequential order by south to north and west to east direction. All reports to include the following:

- a) Name, mailing address, property address of present owner(s),
- b) The Municipal page or Real Estate Tax statement from the Assessor's office
- c) Last deed of record including legal description and any exceptions. If parcel description contains a referenced deed, a copy of the deed will be submitted with the parcel. Any parcel description that contains or refers to a certified map or subdivision, a copy of the same shall be included with the parcel.
- d) All easements of record including those that go beyond 60 years and copies of other encumbrances such as utilities, secondary highways and dedications.
- e) Copies of all Land Contracts
- f) Judgments, Liens, Mortgage information, delinquent real estate taxes, State and Federal Tax Liens, future special assessments.
- g) All full size copies of CSM's, and Subdivision Plats if applicable. Copy of Tax Key Map, if available.

h) Any deed restrictions, referencing closure for contaminated sites.

Rate of \$ _____ per parcel for an estimated _____ parcels; totaling \$ _____.
All items to be delivered to DOT on or before _____, 200__.

ITEM 3 **PROPERTY LAYOUT MAP**

The CONTRACTOR will furnish a layout map of all properties abutting the highway project in sufficient detail that the DOT can produce a right-of-way plat for the project without need to refer to any other source documents. At a minimum, the layout map shall contain the following information:

- a) Sketch of each property including all dimensions and bearings from the legal descriptions or CSM's and subdivision plats labeled on map along with volume and page. Note if distance is along property line or section lines.
- b) Total acres for each parcel from tax listing records.
- c) An identification number for each parcel referenced to the appropriate title search.
- d) Complete owner's name. (One name is usually sufficient; in case of multiple ownership, use the term "et al"; in case of land contract name, both vendee and vendor.)
- e) Location and width of all intersecting roads including date and location of road record. If no records, so state. If no record found, vendor must show extent of research made such as town clerk, county clerk, county highway department, etc.
- f) Location and width of all easements of record including name of grantee, volume and page. If easement has no specific location so it cannot be mapped, contractor shall indicate name of grantee, volume and page, and indicate sections or quarter sections, etc. covered by the easement.

Rate of \$ _____ per parcel for an estimated _____ parcels; totaling \$ _____.
All items to be delivered to DOT on or before _____, 200__.

ITEM 4 **TITLE SEARCH COMMITMENT – (Minimum Amount Insurance)**

The CONTRACTOR shall provide **three (3) complete sets** of a Title Search commitment to DOT.

All commitments shall reference the Project Identification number and parcel number provided by DOT. Commitments shall be compiled in numerical sequential order by the DOT parcel number or sequential order

by south to north and west to east direction. Each set to include the following:

- a) Name, mailing address, property address of present owner(s),
- b) The Municipal page or Real Estate Tax statement from the Assessor's office
- c) Last deed of record including legal description and any exceptions. If parcel description contains a referenced deed, a copy of the deed will be submitted with the parcel. Any parcel description that contains or refers to a certified map or subdivision, a copy of the same shall be included with the parcel.
- d) All easements of record including those that go beyond 60 years and copies of other encumbrances such as utilities, secondary highways and dedications.
- e) Copies of all Land Contracts
- f) Judgments, Liens, Mortgage information, delinquent real estate taxes, State and Federal Tax Liens, future special assessments.
- g) All full size copies of CSM's, and Subdivision Plats if applicable.
- h) Any deed restrictions, referencing closure for contaminated sites.

Rate of \$ _____ per parcel for an estimated ____ parcels; totaling \$ _____.
All items to be delivered to DOT on or before _____, 200__.

ITEM 5 UPDATED TITLE REPORT

The CONTRACTOR will update and deliver three (3) copies of the updated searches, indicating for each parcel the changes that have occurred from the original Item _____ (Ownership Report or Title Search Commitment) of the parcel. Said update shall list any changes since the original title search or previous update and a copy of the most recent tax statement(s).

Rate of \$ _____ per parcel for an estimated ____ parcels; totaling \$ _____.
All items to be delivered to DOT on or before _____, 200__.

ADDITIONAL BILLABLE ITEMS

Recording of Document Fees required to complete this project shall be reimbursed by the DOT for actual costs and any additional charges that may arise above and beyond above agreements.

DEFINITION OF TERM “PARCEL”

A parcel as referred to in this contract is defined by the DOT. It may include more than a single tract of land embraced within a particular description by including all contiguous (abutting) tracts in a common ownership and common use. Contiguous lots in a platted subdivision in common ownership constitute a single parcel for purposes of this agreement. The term parcel does not mean a tax parcel. A right-of-way parcel may include several tax parcels.

INVOICING

The DOT will reimburse the CONTRACTOR for services performed in each of the several stages of the project at the stipulated rate upon submittal of a detailed invoice within 30 days upon receipt. Invoice should include DOT project I.D. number, parcel number and County.

TOTAL COST

Total cost of work to be performed under this purchase order is estimated at \$_____.

LIQUIDATED DAMAGES

DOT reserves the right to reduce the remaining purchase order contract compensation by 1% (one percent) of each late Item cost for each business day (Saturday, Sunday, state and federal legal holidays excluded) that the contracted service is late.